

By



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,741	06/28/2001	Takashi Yoshida	2001_0931A	3618

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WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER

NAKHJAVAN, SHERVIN K

ART UNIT PAPER NUMBER

2621

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,741

Applicant(s)

YOSHIDA ET AL.

Examiner

Shervin Nakhjavan

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 10 and 11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11-15-04.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 5-13-05.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Response to Arguments

1. Applicant's arguments, see remarks pages 21-24, filed 11-15-04, with respect to rejection of claims 1-11 under 35 U.S.C 102(b) and 103 (a) by the prior art of record specifically Schofield et al. (US 5,949,331) and Yasui et al. (US 6,344,805) as not teaching the newly added features of claims 1, 6, 8, and 10 (the prior art does not teach, if the estimated trajectory derived by said trajectory deriving part is designated over an overlapped region, said image processing part is operable to select pixels from a captured image received by said image receiving part representing one side of overlapped region with respect to an imaginary line, and to select pixels from another captured image representing the other side of the overlapped region with respect to the imaginary line) have been fully considered and are persuasive. The rejection of claims 1-11 in view of the prior art has been withdrawn.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10 and 11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are non-statutory because the citation of "a signal" operable to instruct a system to generate..... in claims 10 and 11 are directed towards descriptive material (i.e. an analog form or digital representation, respectively). Such descriptive material can be classified as being either functional (i.e.

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the descriptive material imparts functionality on a generic computer when such material is embodied in the computer for example, computer programs or data structures) or non-functional (e.g. music or text). In this case, the descriptive material is non-functional because, it merely describes the data combined, used or processed. The claims do not define any functional operations or relationships that would impart functionality on a computer or a system. The following formats are acceptable: "A computer program embodied in a computer readable medium for performing the steps of ..." or "A computer readable medium storing a program for performing the steps of". (See case law in MPEP 2106).

3. In the event of amending claim 10, attention should be given to the limitations of claim 8 claiming a recording medium having, so that language of claim 10 will not be redundant.

4. Claim 11 depends from a non-statutory base claim and is thus itself non-statutory.

Allowable Subject Matter

5. The following is an examiner's statement of reasons for allowance: claims 1-9 are allowed because, the prior art of record specifically Schofield et al. fails to teach, if the estimated trajectory derived by said trajectory deriving part is designated over *an overlapped region*, said image processing part is operable to *select pixels from a captured image received by said image receiving part representing one side of overlapped region* with respect to *an imaginary line*, and to *select pixels* from another

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captured image representing the *other side of the overlapped region* with respect to the *imaginary line*, wherein the imaginary line is selected from a group including the estimated trajectory, a line displaced by a predefined amount parallel to the estimated trajectory, and a chord of the estimated trajectory of claim 1, 6, 8 and 9 combined with other features and elements of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shervin Nakhjavan whose telephone number is (571) 272-7395. The examiner can normally be reached on Monday through Friday from 8:00 am to 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (571)272-7453.

Any response to this action should be mailed to:
Commissioner for Patents
P.O. Box 1450
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Or faxed to:
(703) 872-9306 for *formal* communications,

Hand delivered responses: (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.)

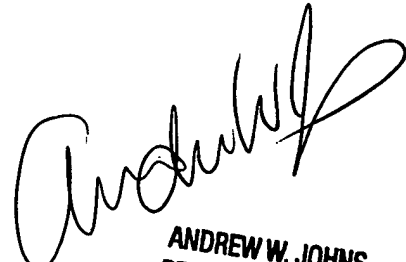
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Any inquiry of a general nature or relating to the status of this application should be directed to the Tech center 2600 customer service office **(571) 272-2600**.

Shervin Nakhjavan
Patent Examiner
Group Art Unit 2621
May 13, 2005.



**ANDREW W. JOHNS
PRIMARY EXAMINER**